

## ELECTRONICALLY FILED

|  |                      |   |
|--|----------------------|---|
| <b>REQUEST FOR REFUND<br/>UNDER 37 CFR 1.26</b><br><br>Address to:<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 | Attorney Docket No.  | STAN-571  |
|  | Confirmation No.     | 6970  |
|  | First Named Inventor | Wang, Shan X.   |
|  | Application Number   | 10/829,505  |
|  | Filing Date          | April 22, 2004  |
|  | Group Art Unit       | 1641  |
|  | Examiner Name        | DO, PENSEE T  |
|  | Title:               | “MAGNETIC NANOPARTICLES, MAGNETIC DETECTOR ARRAYS, AND METHODS FOR THEIR USE IN DETECTING BIOLOGICAL MOLECULES” |

Sir:

Applicant respectfully requests a refund of the five month extension fee, \$1,110.00, charged to our deposit account on March 27, 2008.

Attached is a copy of the Petition filed on March 27, 2008, requesting relief of the extension fees associated with the response to the Office Action dated October 2, 2007. The petition includes our internal Mail Log for the business week following the mailing date of the Office action. We would like to reiterate that as a firm policy, we log everything that our office receives from the USPTO. The attached mail log confirms that the Office action dated October 2, 2007 was never received as stated in the petition. The Office action was discovered during a routine status check on March 19, 2008. Thus, applicant requested that the extension period be excused and the response filed on March 27, 2008 be considered timely filed.

However, applicant notes that on March 27, 2008, the extension fees of \$1,110.00 was charged to our deposit account. Therefore, applicant respectfully requests that the petition filed on March 27, 2008 be granted and the fees amounting to \$1,110.00 be refunded to the account that was charged, Deposit Account No. 50-0815. A copy of the United States Patent and Trademark Office Sales Receipt for Accounting Date: 06/05/2008, downloaded from PAIR, showing these charges to Deposit Account No. 50-0815 is attached.

I hereby declare that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: October 6, 2009

By: /Bret E. Field, Reg. No. 37,620/  
Bret E. Field  
Registration No. 37,620

BOZICEVIC, FIELD & FRANCIS LLP  
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East Palo Alto, California 94303  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231

Document code: WFEE

United States Patent and Trademark Office  
Sales Receipt for Accounting Date: 06/05/2008

|         |      |           |                         |          |          |
|---------|------|-----------|-------------------------|----------|----------|
| KTURNER | SALE | #00000001 | Mailroom Dt: 03/27/2008 | 500815   | 10829505 |
|         |      | 01        | FC : 2255               | 1,110.00 | DA       |

## ELECTRONICALLY FILED

|   |                      |                |
|---|----------------------|----------------|
| <b>PETITION UNDER 37 CFR<br/>1.181(b)</b><br><br>Address to:<br>Mail Stop Petitions<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 | Attorney Docket No.  | STAN-571       |
|   | Confirmation No.     | 6970           |
|   | First Named Inventor | Wang, Shan X.  |
|   | Application Number   | 10/829,505     |
|   | Filing Date          | April 22, 2004 |
|   | Group Art Unit       | 1641           |
|   | Examiner Name        | DO, PENSEE T   |
| Title: "MAGNETIC NANOPARTICLES, MAGNETIC<br>DETECTOR ARRAYS, AND METHODS FOR<br>THEIR USE IN DETECTING BIOLOGICAL<br>MOLECULES"                               |                      |                |

Sir:

Applicant(s) petition under § 37 CFR 1.181(b) for relief of the extension fees in association with the attached response. The Office action dated October 2, 2007 was never received by the correspondence address of record.

Attached is a copy of our internal Mail Log for the business week following the mailing date of the Office action. As a firm policy, we log everything that our office receives from the USPTO. The attached mail log confirms that the Office action dated October 2, 2007 was never received.

Further, a six (6) month status inquiry is docketed after any amendment/response filed with the USPTO. Subsequently we had a status check docketed for March 19, 2008 following our amendment filed on September 19, 2007. In response to this routine status check, while reviewing Private PAIR, we found said Office action dated October 2, 2007 outstanding and awaiting response.

Applicants submit herewith the response to the Office action dated October 2, 2007. Since the Office action was never received, it is respectfully requested that the extension period for reply to this Office action be excused, therefore making this response timely filed.

While no fee is believed due, the Commissioner is hereby authorized to charge any fees which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number STAN-571.

I hereby declare that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: March 27, 2008

By: /Bret E. Field, Reg. No. 37,620/  
Bret E. Field  
Registration No. 37,620

BOZICEVIC, FIELD & FRANCIS LLP  
1900 University Avenue, Suite 200  
East Palo Alto, California 94303  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231

## MAIL LOG: WEDESDAY 10-3-07

**NOTE: ALL MAIL IS RECEIVED BY DOCKETING AND THEN DISTRIBUTED TO ATTORNEY/AGENT ADMINS**

**PCT/RO/102** = Notification concerning fees

**PCT/RO/105** = Notification of international application number and international filing date

**PCT/RO/106** = Invitation to Correct Defects

**IB 301** = Notification of receipt of record copy

**IB 304** = Notification concerning submission or transmittal of priority doc

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**EP 1226** = Communication pursuant to Rules 109 and 110 EPC

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**IPEA 416** = Transmittal of International Preliminary Exam Report

**ISA/220** = Notification of transmittal of the international search report and the written opinion of the international searching authority

**ISA/206** = Invitation to pay additional fees and, where applicable, protest fee

| TO  | CLIENT NO.  | APPL. NO.  | ENCLOSURE  |
|-----|-------------|------------|--|
|     | ALL CASES   | ALL***     | NOVARTIS INTL: LTR WITH GENERAL INFO AND SOME INSTRUX FOR NOVARTIS IP RESTRUCTURING (D.H.L.) |
| BEF | SKEL-009    | 10/851,766 | SKELETAL KINETICS: DECL OF DAVID DELANEY (FED EX)  |
| BEF | YAMA-001EP2 | 0544759    | BOULT ET AL: COPY EPO COMM   |
| BEF | BERK-021    | 10/449,710 | PTO: ADVISORY ACTION   |
| CLF | RICE-035    | 10/535,787 | F.B. RICE: LTR RE INSTRUX TO ALLOW APPLN TO LAPSE  |
| KYB | BEAR-GEN1   | N/A        | ACOLOGIX: REVIEW PORTFOLIO INSTRUX   |

| TO  | CLIENT NO. | APPL. NO.     | ENCLOSURE  |
|-----|------------|---------------|--|
| KYB | BEAR-013WO | US2006/033133 | ACOLOGIX: FOREIGN FILING INSTRUX                                 |
| KYB | BEAR-012WO | US2005/027075 | ACOLOGIX: FOREIGN FILING INSTRUX                                 |
| KYB | MRIN-010EP | 04796350.9    | J.A. KEMP: LTR RE FEE REFUND                                     |
| PAB | AERX-077JP | 2001-570244   | SHIMIZU: LTR RE REQUEST EXAMINATION<br>DEADLINE REMINDER         |
| PAB | BERK-039EP | 05823231.5    | MEWBURN ELLIS: COPY LTR TO EPO RE<br>INVENTOR ADDRESS CORRECTION |
| PJS | STAN-502WO | US2007/014296 | WIPO: IB/304   |

## MAIL LOG: THURSDAY 10-4-07

**NOTE: ALL MAIL IS RECEIVED BY DOCKETING AND THEN DISTRIBUTED TO ATTORNEY/AGENT ADMINS**

**PCT/RO/102** = Notification concerning fees

**PCT/RO/105** = Notification of international application number and international filing date

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| TO         | CLIENT NO.      | APPL. NO.  | ENCLOSURE  |
|------------|-----------------|------------|--|
| BEF<br>DCS | BDFT-002AU      | N/A        | D. YOUNG: LTR TO CLIENT CONF AU NAT<br>PHASE ENTRY, COPY FOREIGN ASSOC LTR |
| CLF        | SNDR-001CIP(SP) | 09/307,956 | J. SCHNEIDER: ISSUE FEE PAYMENT<br>AUTHORIZATION                           |
| DCS        | AREN-010CON     | 10/761,712 | PTO: NOTICE OF ABANDONMENT   |
| KYB        | UCAL-346WO      | US07/18857 | WIPO: RO/102   |
| PAB        | GLAD-009EP      | 02728507.1 | MEWBURN ELLIS: COPY EXAM REPORT  |
| PAB        | UCSD-170EP      | 0794797    | MEWBURN ELLIS: LTR RE OPPOSITION<br>HEARING                                |
| PAB        | GLAD-022EP1     | 98942283.7 | MEWBURN ELLIS: COPY DECISION TO GRANT                                      |



| TO  | CLIENT NO.   | APPL. NO.     | ENCLOSURE   |
|-----|--------------|---------------|---|
| PJB | STAN-044EP   | 0812331       | CARPMAELS & RANSFORD: LTR RPT<br>AMENDED EP PATENT  |
| PJB | TOSK-007EP   | 02768878.7    | MEWBURN ELLIS: LTR CONF INSTRUX<br>ABANDON APPLN    |
| PJS | STAN-102EP   | 99939702.9    | MEWBURN ELLIS: LTR RE RESPONSE<br>DEADLINE REMINDER |
| PJS | BERK-023EP   | 01970911.2    | MEWBURN ELLIS: LTR RE RESPONSE<br>DEADLINE REMINDER |
| PJS | SEEK-001EP   | 01914718.0    | MEWBURN ELLIS: LTR RE RESPONSE<br>DEADLINE REMINDER |
| PJS | STAN-473NZ   | 560626        | STANFORD: EXECUTED ASSIGNMENT (L.<br>STEINMAN)      |
| PJS | STAN-428WO   | US2006/018132 | WIPO: IB/308  |
| PJS | KINE-001CIP5 | 09/998,250    | PTO: DECISION ON PETITION                           |

## MAIL LOG: FRIDAY 10-5-07

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| TO  | CLIENT NO.   | APPL. NO.     | ENCLOSURE                              |
|-----|--------------|---------------|--|
| BEF | CALD-008PH   | 1-2006-502136 | RMBSA: LTR RE INVOICE                  |
| BEF | CALD-008OA   | 1200600369    | L. CLADWELL: RECEIPT ACKNOWLEDGED      |
| BEF | PRTS-007CON4 | 11/664,340    | PTO: FILING RECEIPT                    |
| BEF | PRTS-007CON4 | 11/664,340    | PTO: NTC RE FILING 35 U.S.C. 111 APPLN |
| BEF | PRTS-007CON4 | 11/664,340    | PTO: NOTICE FILE MISSING PARTS         |
| BEF | MGRY-001PRV  | 60/973,973    | PTO: FILING RECEIPT                    |
| BEF | ARSI-011     | 11/138,058    | PTO: UPDATED FILING RECEIPT            |
| BEF | MTRX-001     | 10/635,847    | PTO: NOTICE ALLOWANCE AND FEES DUE     |
| BEF | STHP-013     | 10/450,334    | PTO: OFFICE ACTION                     |

| TO  | CLIENT NO.                       | APPL. NO.                              | ENCLOSURE  |
|-----|----------------------------------|--|--|
| BEF | STHP-005                         | 7,276,329                              | PTO: PATENT RIBBON COPY  |
| BEF | STHP-005                         | 7,276,329                              | PTO: PATENT SOFT COPIES  |
| CLF | FOCS-003WO                       | US2005/023400                          | WIPO: ISA/206  |
| CLF | RICE-062WO                       | US2007/003393                          | WIPO: ISA/206  |
| CLF | CHOR-001CON                      | 11/081,882                             | PTO: NTC COMPLY WITH REQS FOR APPLN CONTAINING SEQUENCE DISCLOSURE |
| DCS | STAN-574PRV                      | 60/973,402                             | PTO: FILING RECEIPT  |
| JSK | MEWE-026                         | 10/555,709                             | MEWBURN ELLIS: RCE FILING REQUEST (DELIVERED VIA SKY NET)          |
| JSK | RIGL-005CON3                     | 10/934,614                             | PTO: OFFICE ACTION   |
| KAF | UCAL-280                         | 10/809,777                             | GLADSTONE: ISSUE FEE PAYMENT AUTHORIZATION                         |
| KWZ | RICE-061PRV                      | 60/880,159                             | PTO: APPLICATION CERTIFIED COPY                                    |
| KYB | SHIM-023                         | 11/576,380                             | SHIMIZU: LTR RE AMENDED CLAIMS                                     |
| KYB | SHIM-021<br>SHIM-020<br>SHIM-022 | 11/576,042<br>11/576,040<br>11/576,043 | SHIMIZU: LTR RE AMENDED CLAIMS                                     |
| KYB | SHIM-019                         | 10/582,655                             | SHIMIZU: LTR RE INVOICE  |
| PAB | GLAD-014EP                       | 02742174.2                             | MEWBURN ELLIS: COPY RESPONSE AS FILED                              |
| PAB | UCSD-173JP                       | 11-502803                              | HIRAKI: COPY REQUEST EXT TIME AS FILED                             |
| PAB | UCAL-342                         | 11/880,126                             | PTO: FILING RECEIPT  |
| PAB | UCAL-342                         | 11/880,126                             | PTO: NOTICE FILE MISSING PARTS                                     |
| PAB | GLAD-041PRV                      | 60/973,993                             | PTO: FILING RECEIPT  |
| PAB | GLAD-020                         | 11/166,669                             | PTO: RESTRICTIONR REQUIREMENT                                      |
| PJB | AREN-112WO                       | US2006/016024                          | ARENA: CLAIMS-PAPER & CD (FED EX)                                  |

| TO  | CLIENT NO.  | APPL. NO.     | ENCLOSURE  |
|-----|-------------|---------------|--|
| PJB | BERK-024AU  | 2004256444    | F.B. RICE: CONF SEARCH RESULTS REPORTED<br>TO APO, COPY DOCS FILED |
| PJS | STAN-258WO6 | US2006/033486 | WIPO: ISA/220  |
| PJS | STAN-473CON | 11/777,156    | PTO: UPDATED FILING RECEIPT  |
| PJS | STAN-102CON | 6,686,166     | PTO: MAINTENANCE FEE STATEMENT                                     |

## MAIL LOG: Monday 10-08-07

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|-----|------------|---------------|---|
|     | N/A        | N/A           | NOVARTIS: SECOND COPY OF LTR/INSTRUX ON NOVARTIS IP RESTRUCTURING (DHL) |
| BEF | STAN-350   | N/A           | BELL BOYD: FILE FOR NOTED CASE  |
| PAB | UCSD-328JP | US2006/006095 | SHIMIZU: DETAILS ON FILING OF NATL FORM PAPER (FED EX)                  |
| PJS | TBD        | 2007/241899   | SHIMIZU: MTLs FOR DIVISIONAL APPLICATION FILED (FED EX)                 |
|     |            |               |   |

## MAIL LOG: TUESDAY, 10-9-07

**NOTE: ALL MAIL IS RECEIVED BY DOCKETING AND THEN DISTRIBUTED TO ATTORNEY/AGENT ADMINS**

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|-----|--------------------------|----------------------------|--|
| BEF | WTHD-001JP<br>WTHD-002JP | 2006-541476<br>2007-502063 | OKUYAMA: COPY APPLICATION  |
| BEF | NTLC-001IN               | 3690/DELNP/2007            | K&S PARTNERS: RPT EXECUTED FORMS 1, 26,<br>PCT/IB/304, PCT/IB/306 FILED IN IPO |
| BEF | WTHD-001DE               | 112004002318.1             | WILLIAMS POWELL: LTR RE RENEWAL<br>REMINDER                                    |
| BEF | TEIK-T002ID              | D002005027232              | ELLA CHEONG: CONF INSTRUX ABANDON<br>APPLN                                     |
| BEF | CALD-008JP               | 2007-510880                | AOYAMA: LTR RE REQUEST EXAM DEADLINE   |
| BEF | STAN-400WO               | US2006/009134              | WIPO: IB/326   |

| TO  | CLIENT NO.     | APPL. NO.     | ENCLOSURE  |
|-----|----------------|---------------|--|
| BEF | VFLX-T003WO    | 895838        | WIPO: STATEMENT GRANT PROTECTION                                     |
| BEF | ARSI-018       | 11/578,803    | PTO: FILING RECEIPT  |
| BEF | ARSI-018       | 11/578,803    | PTO: NOTICE ACCEPTANCE APPLICATION                                   |
| BEF | PALO-018       | 11/858,819    | PTO: FILING RECEIPT  |
| BEF | PALO-018       | 11/858,819    | PTO: NOTICE FILE MISSING PARTS                                       |
| BEF | SKEL-007       | 10/629,321    | PTO: CORRECTED NTC ALLOWANCE AND FEES DUE                            |
| BEF | TOSK-007CIPCON | 10/803,550    | PTO: OFFICE ACTION   |
| BEF | STAN-295       | 10/888,435    | PTO: OFFICE ACTION   |
| CLF | WING-GEN1      | N/A           | WINGREEN: REVIEW PORTFOLIO INSTRUX                                   |
| CLF | CHOR-014CA     | 2590974       | FETHERSTONHAUGH: COPY SEQUENCE LISTING AS FILED                      |
| CLF | CHOR-001KR     | 2003-7001130  | Y.S. CHANG: RPT EXTENSION TIME FILED                                 |
| CLF | DURE-024JP     | 2001-566703   | SHIMIZU: LTR RE FUTURE CORRESPONDENCE                                |
| CLF | IRVN-007IL2    | 139566        | REINHOLD COHN: RPT EXTENSION TIME FILED                              |
| CLF | UCSF-241CA     | 2308274       | BORDEN ET AL: COPY OFFICIAL ACTION                                   |
| CLF | TRCA-101EPDIV2 | 06026832.3    | HELLER EHRMAN: COPY LTR TO CLIENT, FOREIGN ASSOC LTR, EPO SEARCH RPT |
| CLF | BERK-046WO     | US2006/036196 | WIPO: ISA/220  |
| CLF | UCSB-515PRV    | 60/963,773    | PTO: FILING RECEIPT  |
| CLF | RICE-044       | 10/559,221    | PTO: RESTRICTION REQUIREMENT   |
| CLF | STAN-426CON    | 10/692,151    | PTO: NOTICE ALLOWANCE AND FEES DUE                                   |
| CLF | RICE-020       | 10/470,924    | PTO: OFFICE ACTION   |
| CLF | UCAL-145       | 5,914,394     | FISH & RICHARDSON: LTR RE TRANSFER OF                                |

| TO  | CLIENT NO.   | APPL. NO.       | ENCLOSURE   |
|-----|--------------|-----------------|---|
|     |              |                 | DOCS (FED EX)                                     |
| DCS | PRTS-013WO   | US2006/025648   | WIPO: IB/332                                      |
| JSK | RIGL-005JP   | 9-526982        | WINGREEN: LTR RE INVOICE                          |
| KYB | LBLB-002CA1  | 2366303         | GOWLINGS: COPY RESPONSE TO OFFICE ACTION AS FILED |
| KYB | UCAL-326WO   | US2006/009752   | WIPO: IB/326                                      |
| KYB | ZGNX-119WO   | US2007/001403   | WIPO: ISA/220                                     |
| KYB | SAAL-001     | 11/139,731      | PTO: INTERVIEW SUMMARY                            |
| KYB | SAAL-001CIP  | 11/442,641      | PTO: INTERVIEW SUMMARY                            |
| KYB | AKRS-013CON  | 11/238,983      | PTO: OFFICE ACTION                                |
| PAB | UCAL-274EP   | 03726921.4      | MEWBURN ELLIS: RPT EXTENSION TIME FILED           |
| PAB | BEAR-006CN2  | 01815793.9      | SPTL: LTR REQUEST OA RESPONSE INSTRUX             |
| PAB | UWTT-013     | 11/840,112      | UNC: EXECUTED DECLARATION, ASSIGNMENT (C. OTEY)   |
| PAB | TRCA-002WO   | US2004/026947   | WIPO: ISA/220                                     |
| PAB | IRVN-263     | 09/129,028      | PTO: NOTICE OF HEARING                            |
| PAB | UCSD-314     | 10/588,573      | PTO: FILING RECEIPT                               |
| PAB | UCSD-314     | 10/588,573      | PTO: NOTICE ACCEPTANCE APPLICATION                |
| PAB | BERK-012DIV2 | 11/218,976      | PTO: NOTICE ALLOWANCE AND FEES DUE                |
| PAB | BERK-036CON2 | 11/610,690      | PTO: OFFICE ACTION                                |
| PJB | STAN-473IN   | 6340/DELNP/2007 | STANFORD: EXECUTED FORM 1, 26                     |
| PJS | STAN-205EP   | 01968701.1      | MEWBURN ELLIS: COPY RESPONSE AS FILED             |
| PJS | STAN-398WO   | US2005/009075   | WIPO: IB/326                                      |
| PJS | STAN-438WO   | US2006/028306   | WIPO: ISA/220                                     |



| TO  | CLIENT NO.   | APPL. NO.     | ENCLOSURE   |
|-----|--------------|---------------|---|
| PJS | UWTT-011WO   | US2007/004785 | WIPO: IB/308  |
| PJS | SEEK-012WO   | US2007/013230 | WIPO: IB/304  |
| PJS | SEEK-012WO   | US2007/013230 | WIPO: IB/301  |
| PJS | MONY-001WO   | US07/14507    | WIPO: RO/151  |
| PJS | STAN-128     | 09/550,303    | PTO: BOARD OF APPEALS DOCKETING<br>NOTICE RE APPEAL NO. |
| PJS | STAN-258US2  | 10/514,177    | PTO: RESTRICTION REQUIREMENT                            |
| PJS | STAN-258CIP6 | 11/213,173    | PTO: RESTRICTION REQUIREMENT                            |
| PJS | STAN-270CON  | 11/799,817    | PTO: OFFICE ACTION                                      |